THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16186 of 2003

DATED: 25.07.2007

Between:

M/s. Power Tech Control Systems,
Hyderabad, rep. by its Proprietor
K.Thrinath Rao.

.. Petitioner

And

The Managing Director,
A.P.S.R.T.C., Musheerabad,
Hyderabad,
and another.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16186 of 2003

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in not returning the E.M.D. amount of Rs.30,000/- to the petitioner, as arbitrary and illegal, and consequently direct the respondents to return the same to the petitioner.

The grievance of the petitioner is that the respondents published a tender notification on 10.01.2002 in Eenadu daily news paper inviting the tenders to the work schedule of maintenance of garage I & II Floors of Sub-station equipment, Generator sets, LT lines, Panel Boards and Tower lights at Mahatma Gandhi Bus Station. Pursuant to the said tender notification, dated 10.01.2002, the petitioner approached the respondents and filed the required documents offering his tender. At the very same time, he also deposited an amount of Rs.30,000/- towards E.M.D. However, the respondents did not finalise the tender pursuant to the said notification, and thereafter, issued another tender notification on 07.05.2002 again calling for tenders for the same work schedule from the eligible candidates. However, the petitioner has not applied for the subsequent tender notification, dated 07.05.2002.

The main grievance of the petitioner is that though he made a

representation to the respondents to return the said amount of Rs.30,000/- paid by him towards E.M.D as prescribed in the tender publication, dated 10.01.2002, the respondents have not acted upon, and hence, he approached this Court and filed the present writ petition.

Despite the fact that the notices are served, the respondents have not chosen to file any counter.

Having heard the learned counsel for the petitioner, it is clear that there are two tender notifications dated 10.01.2002 and 07.05.2002 issued by the respondents. The purpose mentioned in the tender notice is to operate and maintain garage Sub-Station Equipment, Generator sets, LT lines, Pannel Boards, Tower lights etc. in the I and II floors of Mahatma Gandhi Bus Station, Imlibhan, Hyderabad.

When once the earlier notification, dated 10.01.2002, is cancelled by the respondents for obvious reasons, and the petitioner has not chosen to participate in the auction pursuant to the subsequent tender notification, dated 07.05.2002, the said E.M.D amount of Rs.30,000/- paid by the petitioner in my considered view shall be refunded.

In the instant case, the respondents on their own have cancelled the earlier tender notification, dated 10.01.2002, and again issued another tender notification, dated 07.05.2002. Hence, this Court directs the respondents to refund the said E.M.D. amount of Rs.30,000/- to the petitioner with interest at the rate of 12% per annum from the date of the second notification i.e., 07.05.2002, within a period of four weeks from the date of receipt of a copy of this order.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.25.07.2007
v v